Case: 1:24-mj-00371
Assigned To : Sharbaugh, Matthew J.
Assign. Date : 12/2/2024
Description: COMPLAINT W/ARREST WARRANT

STATEMENT OF FACTS

Your affiant, [redacted], is an FBI Special Agent assigned to the FBI New York Field Office. In my duties as a special agent, I am assigned to the Joint Terrorism Task Force. Among other assigned duties, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies, or based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause, it does not contain every fact known by me or the FBI. The dates, times, and time stamps listed in this Affidavit should be read as "on or about".

The United States Capitol Building is secured 24 hours a day by U.S. Capitol Police (USCP). Restrictions around the U.S. Capitol Building include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol Building, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in the United States Capitol Building to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Michael Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol Building. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol Building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol Building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol Building were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol Building, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol Building from the time he was evacuated from the Senate Chamber until the sessions resumed.

Earlier this day, at approximately 1:00 p.m., a crowd of violent rioters assembled on the West Front of the United States Capitol. USCP formed a line of bike racks extending from the north end of the West Front to the south end to act as a barrier against the crowd. Officers were standing watch behind this line and fending off repeated attempts by the rioters to pull on the bike racks, either with their hands or with ropes and straps.

At approximately 2:00 p.m., some people in the crowd forced their way through, up, and over the barricades and law enforcement. The crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by USCP officers or other authorized security officials. At such time, the certification proceedings were still underway, and the exterior doors and windows of the United States Capitol Building were locked or otherwise secured. Members of law enforcement attempted to maintain order and keep the crowd from entering the United States Capitol Building.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol Building without authority to be there.

IDENTIFICATION OF WALTER WENTLAND

In the aftermath of January 6, 2021, the FBI issued a series of photographs attempting to identify individuals that may have committed federal violations in the vicinity of the United States Capitol Building on January 6, 2021. The individual in photograph #274 is wearing a black helmet, complete with a black vest with patches, consistent with the patches observed on the individual circled in red from Image #1.

Image #1: FBI Photograph #274 – with yellow Proud Boys, black Three-Percenter, and "Taxation is Theft" patches (circled in red)

On or about January 25, 2022, the FBI interviewed an individual (WITNESS 1) who traveled from Hyde Park, NY to Washington, D.C. to attend the "Stop the Steal" Rally on January 6, 2021. WITNESS 1 traveled to Washington, D.C. alongside other members of the Hudson Valley Proud Boys (HVPB). WITNESS 1 was shown a variety of photographs of various persons of interest. WITNESS 1 was shown FBI Photograph #274 (Image #1) and described this individual

as "Buzzsaw," a fellow member of HVPB. WITNESS 1 affirmed that he knew "Buzzsaw" through the HVPB.

WITNESS 1 was later shown a slideshow of other HVPB members. FBI obtained WENTLAND's New York Department of Motor Vehicles photograph, and WITNESS 1 described WENTLAND's DMV photograph as "Buzzsaw." WITNESS 1 described "Buzzsaw" as the bullhorn for the group and that "Buzzsaw" often used a megaphone to start public chants. WITNESS 1 confirmed "Buzzsaw" traveled to Washington, D.C. and participated in activities alongside other HVPB members on January 6, 2021.

Image 2: A photograph of HVPB members, including WENTLAND (circled in red), at the Newburgh, NY waterfront circa December 2020.

WITNESS 1 was also shown the photograph of individuals in Washington, D.C. on January 6, 2021 (Image #3). WITNESS 1 described this as a photo of some HVPB members taken in Washington, D.C. on January 6, 2021. In the photo, WITNESS 1 described "Buzzsaw" as being present (as the left-most individual) in the photo. WITNESS 1 recalled Buzzsaw wearing a black helmet in Washington, D.C. that day.

Image 3: WENTLAND (circled in red) and members of the HVPB in Washington, D.C., on January 6, 2021.

WITNESS 1 was also shown a screenshot of a video clip of an individual yelling through a bullhorn on the restricted grounds of the United State Capitol Building on January 6, 2021. WITNESS 1 described this individual as "Buzzsaw."

Image 4: Still frame of the video shown to WITNESS 1. Witness 1 identified WENTLAND (circled in red) as the individual yelling through a bullhorn.

On or about May 16, 2024, the FBI spoke with an individual (WITNESS 2) who worked with WENTLAND at Stewart International Airport in New Windsor, NY, between approximately

2019 and 2023. During the conversation with the FBI, WITNESS 2 was shown an array of photographs depicting WENTLAND.

Image 5 – An expanded version of Image #1. WITNESS 2 identified the individual circled in red as WENTLAND.

WITNESS 2 identified the individual wearing the black helmet in Image #5 as WENTLAND.[1] WITNESS 2 further offered that WENTLAND told other co-workers at Stewart International Airport that he went to Washington, D.C. on January 6, 2021. WITNESS 2 said WENTLAND was very opinionated and boasted about being in Washington, D.C. on January 6, 2021.

WENTLAND'S CONDUCT ON JANUARY 6

The FBI reviewed open-source images and video footage of the activities at the Capitol on January 6, 2021. In one such video, your affiant identified WENTLAND (circled in red, carrying a bullhorn) marching alongside other HVPBs, as depicted by the following still frame from that video:

[1] In various videos, WENTLAND has a blue sweater over this black shirt. This is the same individual based on his face, build, multiple patches, flashlight, bullhorn, helmet, face gator, tactical vest, and the various accouterments affixed to the vest.

Image 6: WENTLAND (circled in red) marching with other HVPBs. Visible at https://jan6archive.com/youtube/8uRjumEQw70.mp4

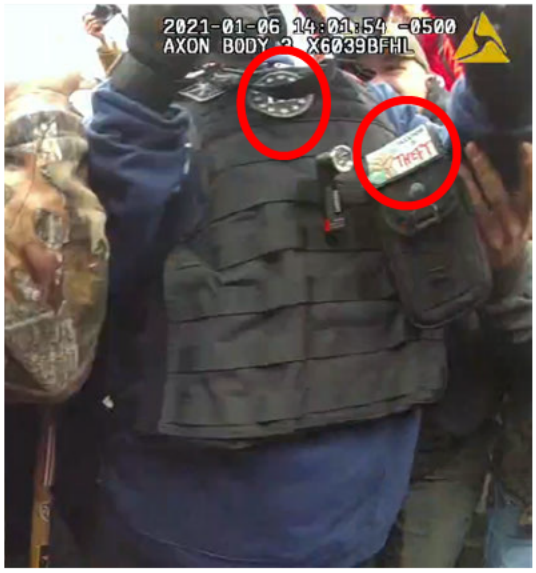
In another open source video, your affiant identified WENTLAND marching in front of a row of assembled law enforcement officers inside the restricted perimeter of the Capitol on January 6, 2021. Using a bullhorn, WENTLAND stated to police line, "Where's your fucking oath?"; "Your values mean nothing"; and "We used to back the blue, but now you're Oathbreakers and we can't stand you".

Image 7: Still frame of a video showing WENTLAND (circled in red) utilizing a bullhorn to address an assembled row of law enforcement officers.

WENTLAND continued into the restricted perimeter to a walkway northwest of the Northwest Stairs of the Capitol. At approximately 1:59 p.m., a line of Metropolitan Police Officers (MPD) dressed in riot gear moved towards the Capitol to assist in its defense. As the MPD officers walked by, WENTLAND engaged with multiple officers. At 1:59 p.m., as MPD Officer R.S. was marching towards the Capitol, WENTLAND grabbed and touched him.

Image 8: A still frame from Officer R.S.'s BWC moments after WENTLAND elbowed him. WENTLAND continues to push against Officer R.S.'s baton.

WENTLAND continued engaging with this line of police officers. Two minutes later, WENTLAND grabbed and touched MPD Officer A.A. Images 9 and 10 are still frames from body-worn camera (BWC) footage depicting WENTLAND's physical contact.



Images 9: WENTLAND's patches (circled in red)

Image 10: Seconds later, WENTLAND (circled in red) grabbing Officer A.A.

WENTLAND and the mob continued to engage with this group of MPD officers. Image 11 is a still frame from an open source video that shows WENTLAND and the mob engaging with the line of police officers.

Image 11: WENTLAND (circled in red) up against a row of MPD officers.

Your affiant was able to review an open source video that shows WENTLAND's face wearing the same clothing from the images above. A screenshot of a video depicting this is shown below:

Image 12: WENTLAND (circled in red).

WENTLAND then moved onto the Upper West Terrace of the Capitol and into the building through the Senate Wing Door. Your affiant was able to review closed circuit video camera (CCTV) footage from inside of the United States Capitol Building on January 6, 2021. Image 13 depicts WENTLAND, wearing the same black helmet, blue sweater, black tactical vest, black face gator, sunglasses, and bullhorn entering the Senate Wing Door at 2:26 p.m.

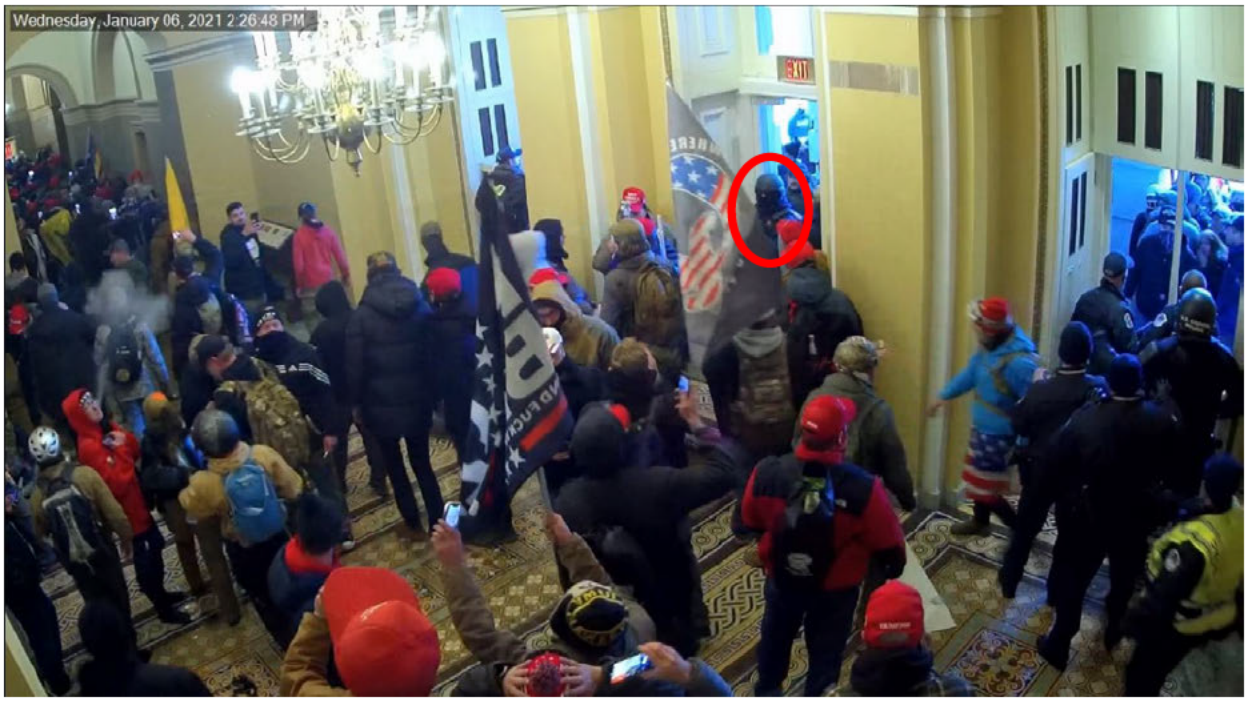


Image 13: WENTLAND's entry (circled in red) into the Capitol on January 6, 2021.

WENTLAND continued down the hallway before he turned around. Image 14 shows WENTLAND exiting the Capitol at 2:29 p.m. through a broken window next to the Senate Wing Door.

Image 14: WENTLAND (circled in red) exiting the Capitol on January 6, 2021

Based on information provided by Witness 1, Witness 2, and information gathered from law enforcement, and open source database checks, your affiant believes that the individual in images 1-14 is WENTLAND.

Your affiant submits there is probable cause to believe that WENTLAND violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct,

impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

Based on the foregoing, your affiant submits that there is probable cause to believe that WENTLAND violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that WENTLAND violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[redacted]

[redacted]
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of December 2024.

Digitally signed by Matthew J. Sharbaugh
Date: 2024.12.02 10:41:49 -05'00'

HON. MATTHEW J. SHARBAUGH
U.S. MAGISTRATE JUDGE